

**REMARKS**

The application has been reviewed in light of the Office Action dated December 13, 2004. Claims 19-30 are pending. By this Amendment, claims 19, 20, 23, 24, 27 and 28 have been amended to place the claims in better form for examination and to clarify the claimed invention.

Claims 19, 23 and 27 were rejected under 35 U.S.C. §102(e) as purportedly anticipated by U.S. Patent No. 5,982,726 to Ro et al.

Applicant has carefully considered the Examiner's comments and the cited art, and respectfully submits that amended claims 19, 23 and 27 are patentable over the cited art, for at least the following reasons.

Ro was brought to the attention of the Examiner through the Information Disclosure Statement filed on July 19, 2004 by Applicant and was cited in a European Search Report in connection with corresponding European application no. EP 0130 5366.

Ro teaches that a user request indicating a desired transfer rate is input through the key input portion 14. Ro teaches that the input data is analyzed and the transfer rate is determined. For example, the transfer rate information as shown in Figure 5 of Ro is extracted based on the input data, and the transfer rate for the video data to be recorded is determined. The transfer rate information taught by Ro indicates the kind of the recording video data (high resolution video data HVD or normal video data NVD). According to the teaching of Ro, one of the predetermined recording speeds (the transfer rates of 10 Mbps and 5 Mbps) is selectively determined suitably for one of high resolution video data and normal video data.

In contrast, according to the claimed invention of amended claims 19, 23 and 27, an

average transfer rate of a data transfer between an information reproducing apparatus and a host device is measured, and a rotation velocity of the information medium is adjusted based on the measured average transfer rate.

Applicant simply does not find teaching or suggestion in Ro, however, of adjusting a rotation velocity of the information medium based on the average transfer rate according to a specification of a read request from a user, as provided by the claimed invention of amended claims 19, 23 and 27.

Therefore, amended claims 19, 23 and 27 are believed to be allowable over Ro.

The Office Action indicates that claims 20-22, 24-26 and 28-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

By this Amendment, claims 20, 24 and 28 have been amended by rewriting it in independent form including all of the limitations of the base claim and any intervening claims. Claims 21 and 22 remain dependent from claim 20, claims 25 and 26 remain dependent from claim 24, and claims 29 and 30 remain dependent from claim 28.

In view of the claim amendments and remarks hereinabove, Applicant maintains that the application is now allowable, and earnestly solicits the allowance of the application.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition. The Office is hereby authorized to charge any fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the

Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Teng", is written over a horizontal line.

Paul Teng, Reg. No. 40,837  
Attorney for Applicant  
Cooper & Dunham LLP  
Tel.: (212) 278-0400